

Resolution No. 2014-56

A Resolution to extend the cell tower lease between New Cingular Wireless PCS, LLC and the City of New Castle.

WHEREAS, the City of New Castle (the “City”) currently leases a 2500 sq. ft. area of ground to New Cingular Wireless PSC, LLC, as successor in interest to AT&T Wireless PSC, (“Cingular”), at 820 Wilmington Road for purposes of maintaining a cell phone tower; and

WHEREAS, the Cingular lease currently has a term that will expire in 2018; and

WHEREAS, the City has been approached by Cingular’s representative, Crown Castle, to amend the cell tower ground lease so as to provide for a total of four (4) additional five (5) renewal terms such that the new final lease expiration date will be November 22, 2038 year; and

WHEREAS, the proposed lease addendum further provides that if the City receives an offer to purchase, lease or otherwise acquire an interest in the leased ground from another telecommunications company that the City finds acceptable, that Cingular will have a right of first refusal to so acquire the leased ground on the same terms; and

WHEREAS, the proposed lease addendum further provides for a one-time payment of \$15,000.00 to the City payable within 60 days of full execution of the lease amendment;

NOW, THEREFORE, be it resolved by the Council of the City of New Castle, as follows:

RESOLVED, that the City Administrator is authorized to execute and deliver the above-described ground lease amendment with Cingular and its agent, Crown Castle.

PASSED this 9th day of December, 2014

Linda Ratchford, City Council President

John W. Cochran, Councilperson

Teel Petty, Councilperson

Theodore H. Megginson, Councilperson

Albert J. Vannucci, Jr., Councilperson

Attest:

Janet E. Wurtzel, City Clerk